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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

NATIONAL SHOOTING SPORTS
FOUNDATION, INC.,

Plaintiffs,

v.

ROBERT W. FERGUSON,
ATTORNEY GENERAL OF THE
STATE OF WASHINGTON,

Defendant.

No. 2:23-cv-00113-MKD

[PROPOSED] ORDER
GRANTING ALLIANCE FOR
GUN RESPONSIBILITY'S
MOTION TO INTERVENE AS
DEFENDANT

**NOTED ON MOTION
CALENDAR:**
May 30, 2023
Without Oral Argument

THIS MATTER came before the Court on Proposed Intervenor-Defendant Alliance for Gun Responsibility's (the "Alliance's") Motion to Intervene ("Motion to Intervene"). The Court has considered the following in deciding whether to grant the Motion:

1. The Alliance's Motion to Intervene;

[PROP] ORDER GRANTING
ALLIANCE FOR GUN RESPONSIBILITY'S
MOTION TO INTERVENE AS DEFENDANT - 1
Case No. 2:23-cv-00113-MKD

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2. Declaration of Renee Hopkins in Support of Motion to Intervene;
3. The other pleadings and papers on file in this matter; and
4. _____

The Court concludes that permissive intervention is appropriate. “On timely motion, the court may permit anyone to intervene who . . . has a claim or defense that shares with the main action a common question of law or fact.” Fed. R. Civ. P. 24(b). Further, “[i]n exercising its discretion, the court must consider whether the intervention will unduly delay or prejudice the adjudication of the original parties’ rights.” Fed. R. Civ. P. 24(b)(3). Thus, permissive intervention is appropriate when (1) the applicant shares a common question of law or fact with the main action, (2) the applicant’s motion is timely, and (3) the court has an independent basis for jurisdiction over the applicant’s claims. *Freedom from Religion Found., Inc. v. Geithner*, 644 F.3d 836, 843 (9th Cir. 2011).

First, the Court concludes that the Alliance’s proposed defense shares common questions of law and fact.

Second, the timeliness requirement is met.

Third, the final requirement of “independent jurisdictional grounds” is inapplicable where, as here, the proposed intervenor does not raise new state law claims in a federal question case.

The Court therefore concludes that each of the three requirements of Rule 24(b)(3) are met. In such cases, a court has broad discretion in granting intervention. *Dep’t of Fair Emp’t & Hous. v. Lucent Techs.*, 642 F.3d 728, 741 (9th Cir. 2011). In

1 exercising that discretion, courts in the Ninth Circuit generally examine several
2 additional factors:

3 [T]he nature and extent of the intervenors' interest, their standing
4 to raise relevant legal issues, the legal position they seek to advance,
5 and its probable relation to the merits of the case[,] . . . whether the
6 intervenors' interests are adequately represented by other parties, . . .
7 and whether parties seeking intervention will significantly contribute to
8 full development of the underlying factual issues in the suit and to the
9 just and equitable adjudication of the legal questions presented.

10 *Spangler v. Pasadena City Bd. of Ed.*, 552 F.2d 1326, 1329 (9th Cir. 1977).

11 The following *Spangler* discretionary factors weigh in favor of intervention:
12 the Alliance's significant interests in defending the Law; the Alliance's legal
13 position in defending the Law and its direct relation to the merits of the case; and the
14 significant contributions the Alliance's participation may have on the full
15 development of factual issues and just and equitable adjudication of legal questions.

16 For the reasons stated above, the Court concludes that the Alliance should be
17 permitted to intervene permissively under Rule 24(b). The Court hereby ORDERS
18 as follows:

- 19 1. The Alliance's Motion to Intervene as a Defendant is GRANTED.
- 20 2. The Alliance may intervene in this matter permissively.

1 IT IS SO ORDERED this ____ day of May, 2023.

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3
4 HONORABLE MARY K. DIMKE
USDC JUDGE

5 Presented by:

6 PACIFICA LAW GROUP LLP

7 By s/ Kai A. Smith

8 Zachary J. Pekelis, WSBA # 44557

9 Kai A. Smith, WSBA #54749

10 *Attorneys for Proposed Intervenor-Defendant*
11 *Alliance for Gun Responsibility*
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24 [PROP] ORDER GRANTING
25 ALLIANCE FOR GUN RESPONSIBILITY'S
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Case No. 2:23-cv-00113-MKD

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